

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

: INDICTMENT

-v.-

: **13 Cr CRIM 410**

ALEXANDER GOLDSHMIDT,
ALEX PUZAITZER, and
MICHAEL VAX,

:

:

:

Defendants.

:

- - - - - X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED MAY 30 2013

COUNT ONE

(Conspiracy to Commit Securities Fraud)

The Grand Jury charges:

1. From at least in or about 2012, up to and including on or about March 27, 2013, in the Southern District of New York and elsewhere, ALEXANDER GOLDSHMIDT, ALEX PUZAITZER, and MICHAEL VAX, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, securities fraud in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5.

2. It was a part and an object of the conspiracy that ALEXANDER GOLDSHMIDT, ALEX PUZAITZER, and MICHAEL VAX, the defendants, and others known and unknown, willfully and knowingly, directly and indirectly, by the use of means and

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instrumentalities of interstate commerce, and of the mails, and of facilities of national securities exchanges, would and did use and employ, in connection with the purchase and sale of securities, manipulative and deceptive devices and contrivances in contravention of Title 17, Code of Federal Regulations, Sections 240.10b-5, by: (a) employing devices, schemes and artifices to defraud; (b) making untrue statements of material fact and omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and (c) engaging in acts, practices and courses of business which operated and would operate as a fraud and deceit upon purchasers and sellers, all in violation of Title 15, United States Code, Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, ALEXANDER GOLDSHMIDT, ALEX PUZAITZER, and MICHAEL VAX, the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about July 19, 2012, at approximately 8:00 p.m., a co-conspirator not named as a defendant herein ("CC-1"), while in New York, New York, placed a call to

GOLDSHMIDT, during which call GOLDSHMIDT and CC-1 discussed the unlawful promotion of a stock.

b. On or about September 20, 2012, at approximately 4:52 p.m., PUZAITZER placed a call to a co-conspirator not named as a defendant herein ("CC-2"), during which call PUZAITZER and CC-2 discussed an unlawful stock market manipulation.

c. On or about February 26, 2013, at approximately 3:44 p.m., PUZAITZER received a call from MICHAEL VAX during which they discussed an unlawful market manipulation scheme.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Conspiracy to Commit Extortion)

The Grand Jury further charges:

4. From at least in or about February 2012, up to and including on or about March 27, 2013, in the Southern District of New York and elsewhere, ALEXANDER GOLDSHMIDT, ALEX PUZAITZER, and MICHAEL VAX, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining money and property from and with the consent of another person, to wit, CC-1, which consent would have been and was induced by the

wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, GOLDSHMIDT, PUZAITZER, and VAX, attempted to collect money and shares of publicly traded stock from CC-1 through the threat of force.

(Title 18, United States Code, Section 1951.)

FORFEITURE ALLEGATION

5. As the result of committing one or more of the conspiracy to commit securities fraud and conspiracy to commit extortion offenses alleged in Counts One and Two of this Indictment, ALEXANDER GOLDSHMIDT, ALEX PUZAITZER, and MICHAEL VAX, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C § 2461, all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of said offenses.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

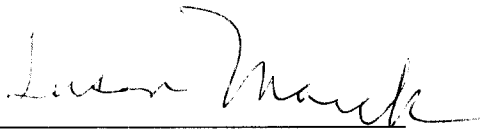
(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

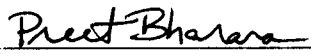
(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, and Title 28, United States Code, Section 2461.)



FOREPERSON



PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Defendants.

INDICTMENT

13 Cr. _____

(18 U.S.C. §§ 371, 1951;
15 U.S.C. §§ 78j(b) & 78ff).

PREET BHARARA

United States Attorney.

A TRUE BILL

Juan Mack
Foreperson.

5-30-13
MB

*Filed indictment. Case assigned
to Judge Buchwald for all purposes.
... Ellis, USMJ*